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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

ANASTASIA MARTINEZ,  
Plaintiff,

v.

COUNTY OF LOS ANGELES,  
DANNY BANUELOS, ALEX  
VILLANUEVA, CALIFORNIA  
COMMERCE CLUB, INC. and DOES  
1 through 10,

Defendants.

CASE NO. CV22-06589 DSF (AFM)

**FIRST AMENDED COMPLAINT  
FOR DAMAGES**

1. VIOLATION OF CIVIL RIGHTS  
42 U.S.C. § 1983 (Fourth  
Amendment)
2. VIOLATION OF CIVIL RIGHTS  
42 U.S.C. § 1983 (Fourteenth  
Amendment)
3. VIOLATION OF CIVIL RIGHTS  
42 U.S.C. §§ 1983, 1988  
(Conspiracy)
4. VIOLATION OF CIVIL RIGHTS  
42 U.S.C. § 1983 (Municipal  
Liability—*Monell*)
5. VIOLATION OF CIVIL RIGHTS  
42 U.S.C. § 1983 (Municipal and  
Supervisory Liability—*Larez*)  
(Failure to Train and Supervise—*Canton*)

(Supplemental Jurisdiction)

6. Bane Act (Cal. Civ. Code §52.1)
7. Gender Violence (Cal. Civ. Code §52.4)
8. Sexual Battery (Cal. Civ. Code §1708.5)
9. Assault
10. Battery
11. Cal Pen Code §679.02 (tort-in-essence)
12. Cal Pen Code §680 (tort-in-essence)
13. Cal Civ Code §43 (violation of personal rights)
14. Negligence (Cal Civ Code §§ 1714 and 3333)
15. Civil Conspiracy

JURY DEMAND

**PLAINTIFF ALLEGES AS FOLLOWS:**

This is a complaint for damages based upon federal and state civil rights violations and torts committed by the Defendant County of Los Angeles and its respective officials, uniformed peace officers, employees, and/or agents – as well as commercial hotel operator and employee defendants. This case is brought pursuant to 42 U.S.C. §§ 1983 and 1988 – as well as various other federal and state laws.

**JURISDICTION**

1. Plaintiff brings this case pursuant to 42 U.S.C. §§ 1983 and 1988. Jurisdiction is based upon 28 U.S.C. §§ 1331, 1343 (1–4). Supplemental jurisdiction exists over the state claims and Defendants pursuant to 28 U.S.C. § 1367. Plaintiff has timely satisfied the Tort Claims Act as to California state law claims made herein.

**VENUE**

- 1 2. The claims alleged herein arose from events or omissions that occurred in the  
2 County of Los Angeles. Therefore, venue lies in the Central District of  
3 California pursuant to 28 U.S.C. § 1391(b)(2).  
4

5 **PARTIES**

6 ***Plaintiff***

- 7 3. Plaintiff Anastasia Martinez, was a resident and private citizen of the State of  
8 California at all times material to this Complaint.  
9

10 ***Defendants***

- 11 4. Plaintiff is informed, believes, and thereupon alleges that Defendant DANNY  
12 BANUELOS (“Defendant Banuelos”) was at all times material herein acting  
13 under color of law within the course and scope of his employment and office as  
14 a law enforcement officer and Sheriff’s Deputy of the Los Angeles County  
15 Sheriff’s Department (“LASD”). He is being sued individually and in his  
16 official capacity.  
17 5. Plaintiff is informed, believes, and thereupon alleges that Defendant ALEX  
18 VILLANUEVA (“Defendant Sheriff”) was at all times material herein acting  
19 under color of law within the course and scope of his employment and office as  
20 a law enforcement officer and Sheriff of Los Angeles County. He is being sued  
21 individually and in his official capacity.  
22 6. Plaintiff is informed, believes, and thereupon alleges that Defendant COUNTY  
23 OF LOS ANGELES (“Defendant County”) is a duly constituted governmental  
24 entity in the State of California, and is, or was at all times material herein, the  
25 employer of all Defendant Sheriff’s Deputies, who are all sued in their  
26 individual and official capacities, Defendant DOES 3 through 5.  
27 7. Plaintiff is informed, believes, and thereupon alleges that Doe Defendant Two  
28 is a duly registered corporate and/or business entity in the State of California,

1 and is or was at all times material herein, an employer of one, or all, of  
2 Defendant DOES 6 through 8.

3 8. Plaintiff is informed, believes, and thereupon alleges that Defendant  
4 CALIFORNIA COMMERCE CLUB, INC. (“Defendant Casino”) owns and/or  
5 operates the Crowne Plaza Commerce Casino & Hotel, located on Telegraph  
6 Road in Commerce California, and is a duly registered corporate and/or business  
7 entity in the State of California, and is or was at all times material herein, an  
8 employer of one, or all, of Defendant DOES 6 through 8.

9 9. The identities, capacities, and/or or nature of involvement of Defendant DOES  
10 1 through 10 (“Doe Defendants”) are presently unknown to Plaintiff. Plaintiff  
11 therefore sues such persons using “Does” as fictitiously-named defendants.  
12 Plaintiff is informed, believes, and thereupon allege that there is likely to be  
13 evidentiary support to prove that each Doe Defendant was involved in some  
14 manner and legally responsible for the acts, omissions, and/or breaches of duty  
15 alleged below. Plaintiff will amend the Complaint to name the Doe Defendants  
16 upon learning their true identities and roles in the actions complained of herein.

17 10. All of the facts, acts, omissions, events, and circumstances herein mentioned  
18 and described occurred in the County of Los Angeles, State of California, and  
19 the corporate, business and/or entity Defendants, and each of them, are residents  
20 of the County of Los Angeles, State of California, and/or have their principal  
21 place of business in said County and State, and/or are doing business in said  
22 County and State.

23 11. Plaintiff is informed, believes, and thereupon alleges that all Sheriff’s Deputy  
24 Does, including Defendant Banuelos, were employed by Defendant County and  
25 were, at all times relevant and material to this Complaint, acting within the  
26 course and scope of their employment duties for Defendant County, and under  
27 color of law. Plaintiff is informed, believes, and thereupon alleges that each of  
28 the individual Defendants’ acts were known to, discovered by, approved by,

1 and/or ratified by Defendant County, by and through their policy makers,  
2 decision makers, officials, officers, and/or supervisors and applicable Doe  
3 Defendants.

4 12. Plaintiff is informed, believes, and thereupon alleges that Doe Defendants 6  
5 through 8, at all times relevant and material to this Complaint, were acting  
6 within the course and scope of their employment duties for COMMERCE  
7 CASINO and/or Doe Defendant Two, under color of law. Plaintiff is informed,  
8 believes, and thereupon alleges that each of the individual Doe Defendants' acts  
9 were known to, discovered by, approved by, and/or ratified by COMMERCE  
10 CASINO and/or Doe Defendant Two, by and through policy makers, decision  
11 makers, officers, and/or supervisors, including applicable Doe Defendants.

12 13. Plaintiff is informed, believes, and thereupon alleges that officials, supervisors,  
13 policy makers, and other individuals with the authority to set or modify  
14 municipal and/or departmental policy, *de jure* or *de facto*, of Defendant County  
15 and/or Doe Defendants, participated in, approved of, ratified, and/or failed to  
16 prevent the acts by Defendant Banuelos and Doe Deputy Defendants of which  
17 Plaintiff complains herein.

18 14. Plaintiff is informed, believes, and thereupon alleges that at all times herein  
19 mentioned, each of the Defendants—including officials, supervisors, watch  
20 commanders, and other policy makers from Defendant County and/or Doe  
21 Defendants and their agents—was the agent, employee, or co-conspirator of one  
22 other, some, or all of their Co-Defendants. Plaintiff is informed, believes, and  
23 thereupon alleges that each of the Defendants, acting individually and/or in  
24 concert with each other, engaged in a common plan to violate Plaintiff's rights  
25 to privacy, security in person and effects, freedom from excessive force,  
26 freedom from unreasonable seizures, and due process of law, among others  
27 described herein – as well as assault and sexually batter Plaintiff and conceal  
28 and cover-up all Defendants' violations, failures and misdoings so as to obstruct

1 Plaintiff in her pursuit of justice and accountability. In doing each and all of the  
2 things herein mentioned, or neglecting or intentionally failing to rectify said  
3 misconduct, each and all Defendants were acting pursuant to a *de facto* policy  
4 and within the scope of such agency, employment, and conspiracy and with full  
5 permission, knowledge, approval, ratification, and support of each other.

6  
7 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

8  
9 ***The Sexual Battery of Plaintiff Anastasia Martinez***

- 10 15. Plaintiff, Anastasia Martinez, is a young mother of two minor children and  
11 resident of Los Angeles County, in California.
- 12 16. Plaintiff was harmed when she was wrongfully and unlawfully detained,  
13 assaulted, sexually battered, left unprotected and taken advantage of by  
14 employees, deputies and/or agents (hereafter “deputies”) of Defendant County  
15 and employees of Defendant Casino on or about August 14, 2021 (hereafter  
16 “date of the incident”), at the Crowne Plaza Commerce Casino & Hotel (the  
17 “hotel”), on Telegraph Road in Commerce, California.
- 18 17. Just before midnight on the date of the incident and/or in the early morning hours  
19 on the day thereafter, the deputies responded to a call for service at the hotel  
20 following an altercation between Plaintiff and her boyfriend who both had  
21 multiple alcoholic beverages. Plaintiff’s boyfriend left the hotel before the  
22 deputies arrived.
- 23 18. While taking an incident report, the deputies obtained Plaintiff’s personal  
24 information, her contact information, and her trust. The deputies accompanied  
25 Plaintiff to the front desk of the hotel and helped her obtain a new key for her  
26 hotel room. Following obtaining Plaintiff’s information and trust, the deputies  
27 left the hotel. Plaintiff stayed in her hotel room.  
28

- 1 19. After the deputies left the hotel, Defendant Banuelos, called Plaintiff's cell  
2 phone under the guise of asking if he could come back to her hotel room to check  
3 on her well-being. Plaintiff thought the call from Defendant Banuelos was  
4 unusual, but she agreed that Defendant Banuelos could return to check on her  
5 well-being because the deputies gained her trust.
- 6 20. Defendant Banuelos returned to Defendant Casino's hotel, where Defendant  
7 Casino provided inadequate security by one of its employees showing and  
8 accompanying Defendant Banuelos to Plaintiff's hotel room door. Defendant  
9 Casino was aware of Plaintiff's intoxicated and vulnerable condition and knew  
10 there was no further or additional call for service related to Plaintiff.
- 11 21. Defendant Banuelos arrived at Plaintiff's hotel room door – on duty – and  
12 dressed in his full uniform, including his badge and gun. When Plaintiff opened  
13 the door, Defendant Banuelos assertively stepped into her room and checked  
14 around corners making sure no one else was there. After Plaintiff sat down and  
15 expected Defendant Banuelos would discuss her well-being with her –  
16 Defendant Banuelos exposed his penis in an effort to obtain oral sex from  
17 Plaintiff. Plaintiff, being in fear for her safety if she did not engage in the oral  
18 sex act, engaged in oral sex with Defendant Banuelos upon his penis. Plaintiff  
19 did not want to engage in oral sex with Defendant Banuelos, but felt she was not  
20 free to leave and had no choice.<sup>1</sup>

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23  
24 <sup>1</sup> "Police officers occupy a unique position of trust in our society ... . They are given  
25 the authority to detain and to arrest and, when necessary, to use deadly force. As visible  
26 symbols of that formidable power, an officer is furnished a distinctively marked car, a  
27 uniform, a badge, and a gun. Those who challenge an officer's actions do so at their  
28 peril." *Mary M. v. City of L.A.*, 54 Cal. 3d 202, 206 (1991).



- 1 22. During the coerced oral sex act, Defendant Banuelos caused his penis to touch  
2 Plaintiff's face and mouth and enter her mouth.
- 3 23. During and after the coerced oral sex act, Plaintiff was extremely fearful,  
4 nervous, disoriented, in shock, and distraught. She called her mother and best  
5 friend to seek guidance and comfort.
- 6 24. Because Defendant Banuelos called Plaintiff's cell phone, Defendant Banuelos'  
7 phone number was known to Plaintiff and she gave it to her mother. Plaintiff's  
8 mother angrily called Defendant Banuelos to question him about sexually  
9 assaulting her daughter and promise to hold him accountable. On the call,  
10 Defendant Banuelos slyly responded to Plaintiff's mother "good luck."
- 11 25. Hours later, Plaintiff was taken to the hospital for a rape kit. Plaintiff and her  
12 mother made a personnel complaint against Defendant Banuelos with LASD.  
13 Three LASD deputies obtained a statement from Plaintiff regarding the sexual  
14 assault. They informed Plaintiff that the hotel cameras showed Defendant  
15 Banuelos reentering the hotel on two separate occasions in the early morning  
16 hours on the date of the incident.
- 17 26. Since the incident, Plaintiff, her advocates and her counsel, on several occasions  
18 have requested that Defendant County of Los Angeles provide Plaintiff with  
19 Defendant Banuelos' name so as to enable Plaintiff to properly pursue justice  
20 for the violation of her civil rights as well as to be able to effectively report the  
21 crime that was committed against her and avail herself of the rights afforded  
22 victims of such crimes.
- 23 27. Plaintiff also sought Defendant Banuelos' name as part of her process of  
24 mentally and emotionally working through the extreme despair and distress the  
25 incident has caused her.  
26  
27  
28



- 1 28. LASD personnel, agents and employees of Defendant County, were on multiple  
2 occasions throughout September, October and November of 2021, and  
3 throughout 2022 – asked by Plaintiff and her representatives for the identity of  
4 the deputy who assaulted Plaintiff during phone calls and at multiple locations,  
5 including but not limited to, at the U.S. Federal Bureau of Investigation’s (FBI)  
6 West Los Angeles offices and the LASD Internal Criminal Investigation offices  
7 (with FBI agent and Deputy District Attorney present). On every such occasion,  
8 LASD refused to disclose to Plaintiff the name of the law enforcement officer  
9 who violated her rights and committed the sex crime against her. After the filing  
10 of the instant lawsuit, LASD’s newly engaged defense counsel disclosed Danny  
11 Banuelos as the identity of the deputy who Plaintiff alleges committed the  
12 assault during the November 28, 2022 Rule 26 meeting between counsel for the  
13 parties.  
14
- 15 29. The conduct by agents and employees of the Los Angeles County Sheriff’s  
16 Department – beginning with the sex crime against Plaintiff, the violation of her  
17 rights, and the subsequent intentional concealment of the identity of Defendant  
18 Banuelos to frustrate, interfere with and prevent Plaintiff’s efforts to secure  
19 justice and due process of law are outrageous, shocking to the conscience,  
20 unlawful, conspiratorial and committed in whole or in part with the express  
21 design to limit the County of Los Angeles’ liability for civil rights violations  
22 and keep the County of Los Angeles and its officials from suffering public  
23 humiliation and ridicule for their inability and/or unwillingness to prevent  
24 unlawful acts by their own law enforcement officers.  
25
- 26 30. Further, the conduct by agents and employees of the County of Los Angeles  
27 evinces a clear and unlawful difference in treatment of persons who are victims  
28 of crimes and sex crimes committed by law enforcement officers – as opposed

- 1 to victims who suffer at the hands of non-law enforcement officer perpetrators.  
2 A crime is a crime. NO ONE IS ABOVE THE LAW.
- 3 31. Plaintiff did nothing to justify the shocking, unlawful and reprehensible action  
4 taken against her by the LA County personnel described herein. Consequently,  
5 each such person's actions under the presented circumstances were excessive,  
6 unlawful, malicious, oppressive, and with a deliberate indifference to Plaintiff's  
7 rights, justifying the imposition of punitive damages. Further, the government  
8 agents, and each of them, acted individually, and agreed, conspired and acted in  
9 concert with each other to injure Plaintiff, violate her civil rights and/or conceal  
10 evidence thereof. Moreover, several unidentified agents, employees,  
11 supervisors, officials and/or policy makers of the Los Angeles County Sheriff's  
12 Department approved of, enabled, failed to prevent and/or ratified all of the  
13 conduct complained of herein.
- 14 32. Plaintiff did nothing to justify, authorize, excuse or in any way make lawful  
15 Defendant Casino's agents' and employees' failures to protect her and breaches  
16 of duty as described throughout this lawsuit.
- 17 33. Plaintiff endured, and continues to endure, substantial pain and suffering due to  
18 the acts and omissions of all defendants, and each of them.  
19  
20

21 **CLAIMS FOR RELIEF**

22 \*\*\*

23  
24 **FIRST CLAIM FOR RELIEF**

25 **VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)**

26 **Fourth Amendment (Unlawful Seizure)**

27 **By Plaintiff Against Defendants County and Banuelos**  
28

1 34. Plaintiff incorporates all paragraphs of this Complaint, as though fully set forth  
2 herein.

3 35. This cause of action arises under 42 U.S.C. § 1983, wherein Plaintiff seeks to  
4 redress a deprivation under color of law of a right, privilege, or immunity  
5 secured to persons by the Fourth Amendment to the United States Constitution.

6 36. The Fourth Amendment protects persons from unreasonable searches and  
7 seizures, including the use of excessive force.

8 37. The unlawful seizure of Plaintiff by Defendant Banuelos was accomplished  
9 under the guise of continuing efforts related to the incident for which Defendant  
10 Banuelos originally encountered Plaintiff. The seizure of Plaintiff was  
11 accomplished via Defendant Banuelos' show of authority as a law enforcement  
12 officer – displaying his gun, uniform, badge (and later his penis) – during his  
13 presence which he initially claimed was for a law enforcement purpose. Plaintiff  
14 was reasonably fearful for her safety and did not feel free to leave because she  
15 was within the confines of her hotel room, alone with Defendant Banuelos  
16 displaying his uniform, badge, gun and ... penis. Defendant Banuelos' seizure  
17 of Plaintiff was without lawful basis, reasonable suspicion, probable cause, or  
18 warrant, or any recognized exceptions thereto, or justification or excuse, and  
19 was thus unreasonable and in violation of Plaintiff's Fourth Amendment rights.  
20 It is has long been the case that a law enforcement officer's desire to display his  
21 penis and have sexual gratification is not a sufficient legal basis for a seizure –  
22 in America.

23  
24 **SECOND CLAIM FOR RELIEF**

25 **VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)**

26 **Fourteenth Amendment (Due Process)**

27 **By Plaintiff Against Defendants County, Sheriff, Defendant Banuelos, and**  
28 **DOES**

38. Plaintiff incorporates all paragraphs of this Complaint, as though fully set forth herein.

39. This cause of action arises under 42 U.S.C. § 1983, wherein Plaintiff seeks to redress a deprivation under color of law of a right, privilege, or immunity secured to persons by the Fourteenth Amendment to the United States Constitution.

40. The Fourteenth Amendment guarantees Plaintiff substantive and procedural due process of law. Defendants' actions complained of herein were violations of both guarantees of due process.

***The Display of the Penis and Coerced Sex Act  
While In Uniform***

41. Defendant Banuelos, an officer of the law, used his position and authority as a government agent to victimize and coerce sex from a highly intoxicated young woman he encountered under the auspices of a service call.

42. Later, when confronted by his victim's mother about being held accountable, Defendant Banuelos told her mother "good luck."

43. Defendant Banuelos' uniformed display of his penis, coercion of sex, and taunting of his victim's mother are all outrageous government conduct.

44. The collaboration and agreement and by Doe Deputies is also outrageous (see *infra*).

***The Cover-Up by the Sheriff and County***

45. Defendant Banuelos' outrageous conduct is compounded and made worse by the conduct of Defendant Sheriff and Defendant County's concealment of

1 Defendant Banuelos' identity before the filing of this federal lawsuit. Concealing  
2 Defendant Banuelos' identity impedes and prevents Plaintiff from healing and  
3 working through emotional and psychological trauma from the incident, and  
4 obstructs her pursuit of accountability for his unlawful conduct.

5 46. Defendant Sheriff's and Defendant County's conduct of concealment is  
6 outrageous government conduct

7 47. The complained of acts of Defendants were beyond the bounds of acts tolerable  
8 in a civilized society, and so egregious and outrageous that they may fairly be  
9 said to shock the contemporary conscience.

10 48. Plaintiff specifically alleges that Defendants' complained of acts and/or  
11 omissions, were within each of their control, and within the feasibility of each  
12 of them, to alter, adjust, and/or correct so as to prevent some or all of the  
13 unlawful acts and injury complained of herein by Plaintiff.

14  
15  
16 **THIRD CLAIM FOR RELIEF**

17 **VIOLATION OF CIVIL RIGHTS (42 U.S.C. §§ 1983, 1988)**

18 **Conspiracy to Violate Civil Rights**

19 **By Plaintiff Against All Defendants and DOES**

20  
21 ***The Collaboration***

22 49. Plaintiff incorporates all paragraphs of this Complaint, as though fully set forth  
23 herein.

24 50. This cause of action arises under 42 U.S.C. §§ 1983 and 1988, wherein Plaintiff  
25 seeks to redress a deprivation under color of law of a right, privilege or immunity  
26 secured by the United States Constitution.

27 51. Defendants and DOES and each of them, acted as described herein, in  
28 conspiracy with, and with the agreement, permission, ratification, and approval

1 of, each other to violate Plaintiff's civil rights afforded under the United States  
2 Constitution.

3 52. Plaintiff is informed, believes and alleges that each of the deputies who  
4 responded to the call for service and were present at her hotel room observed  
5 her intoxicated and vulnerable state of being. The deputies, and each of them,  
6 then all communicated, collaborated, planned and selected one of them to return  
7 to Plaintiff's hotel room and have sex with Plaintiff. Defendant Banuelos is the  
8 deputy all the deputies jointly agreed upon, selected and assisted.

9 53. Plaintiff is informed, believes and alleges that upon his return to Defendant  
10 Casino's premises, Defendant Banuelos collaborated with one or more of  
11 Defendant Casino's employees and/or agents to find, be escorted to, and gain  
12 entry to Plaintiff's hotel room under the false pretense of checking on Plaintiff's  
13 well-being.

14  
15 ***The Cover-Up***

16 54. Plaintiff is informed, believes and alleges that all the denials of all of Plaintiff's  
17 requests to know the identity of the deputy who assaulted her were the result of  
18 a concerted plan and agreement between various employees and officials of  
19 Defendant County to frustrate, flummox and foil Plaintiff's efforts to seek and  
20 obtain justice and accountability for the wrongdoing wrought upon her by  
21 defendants – and each of them.

22 55. Plaintiff is informed, believes and alleges that Defendant County and its officials  
23 and employees, including Defendant Sheriff, collaborated to intentionally  
24 withhold even the most basic information from Plaintiff about the identity of the  
25 deputy who assaulted her, to wit Defendant Banuelos, to obstruct her pursuit of  
26 justice, so as to minimize the risk to Defendant County and Defendant Sheriff  
27 of embarrassment, humiliation and adverse damages judgments. Plaintiff is  
28

1 legally entitled to the information she is seeking and the defendants are working  
2 together to make sure she does not get it.

3 56. Plaintiff specifically alleges that Defendants' complained of acts and/or  
4 omissions, were within each of their control, and within the feasibility of each  
5 of them, to alter, adjust, and/or correct so as to prevent some or all of the  
6 unlawful acts and injury complained of herein by Plaintiff.

7  
8 **FOURTH CLAIM FOR RELIEF**

9 **VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)**

10 **Unconstitutional Policy, Custom, or Procedure (*Monell*)**

11 **By Plaintiff Against Defendant County**

12  
13 57. Plaintiff incorporates all paragraphs of this Complaint, as though fully set forth  
14 herein.

15 58. This cause of action arises under 42 U.S.C. § 1983, wherein Plaintiff seeks to  
16 redress a deprivation under color of law of a right, privilege, or immunity  
17 secured by the United States Constitution.

18 59. Defendant County violated Plaintiff's constitutional rights, as alleged  
19 throughout this Complaint, by creating and maintaining the following  
20 unconstitutional customs and practices, *inter alia*:

21 (i) Plaintiff alleges that Defendant County has a *de facto* policy, custom or  
22 practice of condoning, ratifying, failing to discipline, failing to investigate, and  
23 of retaining, personnel who commit sexual assault, sexual battery and/or gender  
24 violence;

25 (ii) Plaintiff alleges that Defendant Sheriff has a *de facto* policy, custom or  
26 practice of condoning, ratifying, failing to discipline, failing to investigate, and  
27 of retaining, personnel who harass and discriminate against women and/or treat  
28 them less favorably based upon their gender;



1 (iii) Plaintiff alleges that Defendant County has a *de facto* policy, custom or  
2 practice of condoning, ratifying, failing to discipline, failing to investigate, and  
3 of retaining, personnel who conceal and suppress evidence of LASD  
4 wrongdoing to avoid public scrutiny and adverse judgments; and

5 (iv) The allegations in items (i) through (iii) hereinabove are supported by the  
6 facts of the following incidents, *inter alia*:

7 a. [gender violence] LASD Deputy Jose Rigaberto Sanchez raped 24  
8 year-old woman and a 36 year-old woman (2014), LASD Deputy  
9 Giancarlo Scotti raped six women (2017), LASD Detective Neil  
10 Kimball raped 15 year-old girl (2018), LASD Deputy Sean Essex  
11 raped girl under 14 years old (2022);

12 b. [gender discrimination] LASD Deputy Carl Mandoyan is abusive,  
13 threatening and tries to break in the house of female trainee with whom  
14 he becomes intimate – tells her “this is what happens to fucking  
15 disrespectful fucking bitches” – is rehired (with backpay) by  
16 Defendant Sheriff after being terminated by his predecessor.  
17 Defendant Sheriff accuses victim (also an LASD deputy) of “ ... [A]  
18 prior history of making outrageous allegations not supported by facts.  
19 Kind of a—what’s that, the lacrosse players that were accused ...”  
20 “Kind of like that. She needs help.” (2018)

21 c. [evidence suppression and cover-up] Former LASD Chief Lajuana  
22 Haselrig, a 34-year LASD veteran, filed a whistleblower lawsuit one  
23 week after LASD Deputy Robin Limon also filed a whistleblower  
24 lawsuit in response to Defendant Sheriff’s alleged attempted cover-up  
25 and suppression of a video wherein LASD Deputy Douglas Johnson  
26 kneels on the head of inmate Enzo Escalante (2022). Further, Sheriff  
27 tolerates, condones and denies the existence of deputy gangs within  
28

1 his department which commit unlawful acts and discriminate against  
2 and oppress women. (ongoing)

3  
4 60. Defendant County's and Defendant Sheriff's policies, practices or customs  
5 encourage, support and ratify conduct such as that, and that, of Defendant  
6 Banuelos in this case.

7 61. Defendant County's policies, practices or customs caused and were the moving  
8 force and/or affirmative link behind some or all of the violations of Plaintiff's  
9 constitutional rights at issue in this case.

10 62. Plaintiff is informed, believes, and thereupon alleges that these policies,  
11 practices, customs, and procedures are intentional and/or the result of deliberate  
12 indifference on the part of Defendant County, by and through its decision  
13 makers, including Defendant Sheriff.

14 63. The foregoing unconstitutional customs and practices were a direct and legal  
15 cause of harm to Plaintiff.

16 64. Plaintiff specifically alleges that Defendant County's policies, customs, and/or  
17 practices, as described herein, were within the control of Defendant County and  
18 within the feasibility of Defendant County, to alter, adjust, and/or correct so as  
19 to prevent some or all of the unlawful acts and injury complained of herein by  
20 Plaintiff.

21  
22 **FIFTH CLAIM FOR RELIEF**

23 **VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)**

24 **Failure to Train, Supervise, Discipline, or Correct (*Larez & City of Canton*)**

25 **By Plaintiff Against Defendants County and Sheriff**

26  
27 65. Plaintiff incorporates all paragraphs of this Complaint, as though fully set forth  
28 herein.

1 66. This cause of action arises under 42 U.S.C. § 1983, wherein Plaintiff seeks to  
2 redress a deprivation under color of law of a right, privilege, or immunity  
3 secured by the United States Constitution.

4 67. Defendant County and Defendant Sheriff, and each of them, violated Plaintiff's  
5 constitutional rights, as alleged in this Complaint, by creating and maintaining  
6 the following unconstitutional customs and practices, *inter alia*:

7 (i) Plaintiff is informed, believes, and thereupon alleges that Defendant  
8 County and Defendant Sheriff, and each of them, have ample reason to know,  
9 based upon arrest reports, complaints, claims for damages, *inter alia*, that  
10 County officers and/or employees regularly engage in the misdeeds set forth in  
11 this entire complaint;

12 (ii) Plaintiff is informed, believes, and thereupon alleges that Defendant  
13 County and Defendant Sheriff, and each of them, have failed to properly train,  
14 supervise, and/or discipline employees, officers, managers, and supervisors  
15 within the Los Angeles County Sheriff's Department ("LASD") as to the legal  
16 requirements and protections for persons as set forth in the United States and  
17 California Constitutions, and other laws;

18 (iii) Plaintiff is informed, believes, and thereupon alleges that Defendant  
19 County and Defendant Sheriff, and each of them, have failed to properly train,  
20 supervise, and/or discipline employees, officers, managers, and supervisors  
21 within the LASD as to avoidance and prevention of gender discrimination and  
22 gender violence;

23 (iv) Plaintiff is informed, believes, and thereupon alleges that Defendant  
24 County and Defendant Sheriff, and each of them, have failed to properly train,  
25 supervise, and/or discipline employees, officers, managers, and supervisors  
26 within the LASD as to avoidance and prevention of sexual harassment;

27 (v) Plaintiff is informed, believes, and thereupon alleges that Defendant  
28 County has failed to properly train, supervise, and/or discipline employees,

officers, managers, and supervisors within the LASD as to the lawful requirements regarding disclosure and release of information about officer and/or employee misconduct to victims and the public; and

(vi) Plaintiff alleges that these failures amount to a *de facto* policy and are intentional and/or the result of deliberate indifference on the part of Defendant County and Defendant Sheriff, and each of them. These include, but are not limited to, all supervisors and their subordinates, as necessary to further these improper policies, practices, customs, and procedures.

68. The foregoing unconstitutional customs and practices were a direct and legal cause of harm to Plaintiff.

69. Some or all Doe defendants acted in a supervisory capacity with respect to the incidents involving Plaintiff. In that capacity, those persons acted intentionally, maliciously, in conscious disregard, and/or with deliberate indifference to the rights of Plaintiff.

70. These supervisory failures directly caused and contributed to Plaintiff's damages.

71. Plaintiff specifically alleges that Defendants' policies, customs, and practices, as described *supra*, were within each of their control, and within the feasibility of each of them, to alter, adjust, and/or correct so as to prevent some or all of the unlawful acts and injury complained of herein by Plaintiff.

### **SIXTH CLAIM FOR RELIEF**

**BANE ACT (Cal. Civ. Code §52.1)**

**By Plaintiff Against All Defendants**

72. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth herein.

73. All defendants, and each of them, by doing and/or causing the acts complained

1 of in this entire Complaint, violated Plaintiff's civil rights per California Civil  
2 Code Sections 52.1 and 52(b) by doing the acts described herein above. Each  
3 act and/or violation of rights done by each Defendant and/or deputy to Plaintiff  
4 was done by way of threats, intimidation and/or coercion beyond that inherent  
5 in each act and/or violation of rights itself because, *inter alia*, each act was  
6 additionally a violation of personal rights under Cal. Civ. Code §43. There were  
7 also multiple coercive acts.

8 74. Entity and/or agency defendants are liable to plaintiff for the acts of their public  
9 employees, the individual defendants herein, for conduct and/or omissions  
10 herein alleged, pursuant to the doctrine of *Respondeat Superior*, codified at  
11 California Government Code § 815.2.

12 75. Defendants, and each of them, for the respective acts and violations pleaded  
13 herein above, are liable to Plaintiff for damages, and penalties and attorneys'  
14 fees as provided in California Civil Code §52(b), including but not limited to an  
15 amount no less than \$25,000 to Plaintiff, per each Defendant, per each violation  
16 of right, in addition to all other remedies supported by or provided for by law.

17 76. Defendants, and each of them, for the respective acts and violations pleaded  
18 herein above, are liable to Plaintiff for attorneys' fees as provided in California  
19 Civil Code § 52(b)(3).

20 77. Defendants, and each of them, for the respective acts and violations pleaded  
21 herein above, are liable to Plaintiff for damages, penalties and attorneys' fees as  
22 provided in California Civil Code § 52.1(b).

23 78. Plaintiff specifically alleges that Defendants' complained of acts and/or  
24 omissions, were within each of their control, and within the feasibility of each  
25 of them, to alter, adjust, and/or correct so as to prevent some or all of the  
26 unlawful acts and injury complained of herein by Plaintiff.  
27  
28

**SEVENTH CLAIM FOR RELIEF**

**GENDER VIOLENCE (Cal. Civ. Code §52.4)**

**By Plaintiff Against Defendant Banuelos**

79. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth herein.

80. Defendant Banuelos, by doing and/or causing the acts complained of in this entire Complaint, committed upon Plaintiff a physical intrusion or physical invasion of a sexual nature under coercive conditions, and is liable for the tort of gender violence as defined by Cal. Civ. Code §52.4.

81. Entity and/or agency defendants are liable to plaintiff for the acts of their public employees, the individual defendants herein, for conduct and/or omissions herein alleged, pursuant to the doctrine of *Respondeat Superior*, codified at California Government Code § 815.2.

82. Plaintiff specifically alleges that Defendants' complained of acts and/or omissions, were within each of their control, and within the feasibility of each of them, to alter, adjust, and/or correct so as to prevent some or all of the unlawful acts and injury complained of herein by Plaintiff.

**EIGHTH CLAIM FOR RELIEF**

**SEXUAL BATTERY (Cal. Civ. Code §1708.5)**

**By Plaintiff Against Defendant Banuelos**

83. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth herein.

84. Defendant Banuelos, by doing and/or causing the acts complained of in this entire Complaint, is liable for committing the tort of sexual battery as defined by Cal. Civ. Code §1708.5.

1 85. Entity and/or agency defendants are liable to plaintiff for the acts of their public  
2 employees, the individual defendants herein, for conduct and/or omissions  
3 herein alleged, pursuant to the doctrine of *Respondeat Superior*, codified at  
4 California Government Code § 815.2.

5 86. Plaintiff specifically alleges that Defendants' complained of acts and/or  
6 omissions, were within each of their control, and within the feasibility of each  
7 of them, to alter, adjust, and/or correct so as to prevent some or all of the  
8 unlawful acts and injury complained of herein by Plaintiff.  
9

10 **NINTH CLAIM FOR RELIEF**

11 **ASSAULT**

12 **By Plaintiff Against Defendant Banuelos**

13  
14 87. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth  
15 herein.

16 88. Defendant Banuelos, by doing and/or causing the acts complained of in this  
17 entire Complaint, is liable for committing the tort of assault.

18 89. Entity and/or agency defendants are liable to plaintiff for the acts of their public  
19 employees, the individual defendants herein, for conduct and/or omissions  
20 herein alleged, pursuant to the doctrine of *Respondeat Superior*, codified at  
21 California Government Code § 815.2.

22 90. Plaintiff specifically alleges that Defendants' complained of acts and/or  
23 omissions, were within each of their control, and within the feasibility of each  
24 of them, to alter, adjust, and/or correct so as to prevent some or all of the  
25 unlawful acts and injury complained of herein by Plaintiff.  
26

27 **TENTH CLAIM FOR RELIEF**  
28



**BATTERY**

**By Plaintiff Against Defendant Banuelos**

91. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth herein.
92. Defendant Banuelos, by doing and/or causing the acts complained of in this entire Complaint, is liable for committing the tort of battery.
93. Entity and/or agency defendants are liable to plaintiff for the acts of their public employees, the individual defendants herein, for conduct and/or omissions herein alleged, pursuant to the doctrine of *Respondeat Superior*, codified at California Government Code § 815.2.
94. Plaintiff specifically alleges that Defendants' complained of acts and/or omissions, were within each of their control, and within the feasibility of each of them, to alter, adjust, and/or correct so as to prevent some or all of the unlawful acts and injury complained of herein by Plaintiff.

**ELEVENTH CLAIM FOR RELIEF**

**VICTIM'S RIGHTS VIOLATION**

**(Cal Pen Code §679.02 – tort-in-essence)**

**By Plaintiff Against Defendants County, Sheriff and Defendant Banuelos**

95. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth herein.
96. Defendant Banuelos, Defendant Sheriff and Defendant County by doing and/or causing the acts complained of in this entire Complaint, and each of them, are liable for violating Plaintiff's rights as a victim under California law, as set forth in Cal Pen Code §679.02.

- 1 97. All of the rights set forth in Cal Pen Code §679.02, including but not limited to  
2 Section (a)(8), require that the victim (Plaintiff in this case) be provided with  
3 information necessarily inclusive of the identity of the assailant in order to be  
4 meaningful.
- 5 98. Tort in essence claims are authorized by *Stop Youth Addiction v. Lucky Stores*  
6 (1998) 17 Cal.4th 553, 572.
- 7 99. Plaintiff falls within the class of persons intended to be protected from harm,  
8 and suffered the harm specified, by Cal Pen Code §679.02.
- 9 100. Defendants' actions as complained of throughout this Complaint have caused  
10 harm sought to be prevented by Cal Pen Code §679.02, *inter alia*, the  
11 withholding of information about the incident and assailant from the victim.
- 12 101. Defendant County is liable to Plaintiff for the acts of its public employees, the  
13 individual Defendants herein, for conduct and/or omissions herein alleged,  
14 pursuant to the doctrine of Respondeat Superior, codified at California  
15 Government Code § 815.2.
- 16 102. Plaintiff specifically alleges that Defendants' complained of acts and/or  
17 omissions, were within each of their control, and within the feasibility of each  
18 of them, to alter, adjust, and/or correct so as to prevent some or all of the  
19 unlawful acts and injury complained of herein by Plaintiff.  
20

21 **TWELFTH CLAIM FOR RELIEF**

22 **SEXUAL ASSAULT VICTIM'S DNA RIGHTS VIOLATION**

23 **(Cal Pen Code §680 – tort-in-essence)**

24 **By Plaintiff Against Defendants County, Sheriff and Defendant Banuelos**  
25

- 26 103. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth  
27 herein.  
28

- 1 104. Defendant Banuelos, Defendant Sheriff and Defendant County by doing and/or  
2 causing the acts complained of in this entire Complaint, and each of them, are  
3 liable for violating Plaintiff's rights as a victim under California law, as set forth  
4 in Cal Pen Code §680.
- 5 105. Rights set forth in Cal Pen Code §680, including but not limited to Section  
6 (c)(2), require that the victim (Plaintiff in this case) be provided with  
7 information necessarily inclusive of the identity of the assailant in order to be  
8 meaningful.
- 9 106. Tort in essence claims are authorized by *Stop Youth Addiction v. Lucky Stores*  
10 (1998) 17 Cal.4th 553, 572.
- 11 107. Plaintiff falls within the class of persons intended to be protected from harm,  
12 and suffered the harm specified, by Cal Pen Code §680.
- 13 108. Defendants' actions as complained of throughout this Complaint have caused  
14 harm sought to be prevented by Cal Pen Code §680, *inter alia*, the withholding  
15 of information about the incident and assailant from the victim.
- 16 109. Defendant County is liable to Plaintiff for the acts of its public employees, the  
17 individual Defendants herein, for conduct and/or omissions herein alleged,  
18 pursuant to the doctrine of Respondeat Superior, codified at California  
19 Government Code § 815.2.
- 20 110. Plaintiff specifically alleges that Defendants' complained of acts and/or  
21 omissions, were within each of their control, and within the feasibility of each  
22 of them, to alter, adjust, and/or correct so as to prevent some or all of the  
23 unlawful acts and injury complained of herein by Plaintiff.
- 24

25 **THIRTEENTH CLAIM FOR RELIEF**  
26 **VIOLATION OF PERSONAL RIGHTS**  
27 **(Cal Civ Code §43)**  
28

**By Plaintiff Against ALL Defendants**

111. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth herein.
112. All defendants, by doing and/or causing the acts complained of in this entire Complaint, and each of them, are liable for violating Plaintiff's rights under California law, as set forth in Cal Civ Code §43.
113. Entity and/or Corporate defendants are liable to Plaintiff for the acts of their employees, the individual Defendants herein, for conduct and/or omissions herein alleged, pursuant to the doctrine of Respondeat Superior, codified at California Government Code § 815.2, elsewhere and as set forth by precedent.
114. Plaintiff specifically alleges that Defendant's complained of acts and/or omissions, were within each of their control, and within the feasibility of each of them, to alter, adjust, and/or correct so as to prevent some or all of the unlawful acts and injury complained of herein by Plaintiff.

**FOURTEENTH CLAIM FOR RELIEF**

**NEGLIGENCE**

**Cal Civ Code §§ 1714, 3333**

**By Plaintiff Against All Defendants**

115. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth herein.
116. This claim is brought pursuant to California state law, including but not limited to, Cal Civ Code §§ 1714, 3333.
117. Defendants, and each of them, generally owed Plaintiff a duty of reasonable care to avoid exposing her to reasonably foreseeable risks of harm or injury by acting

1 reasonably under the circumstances complained of in this Complaint.

2 118. As to Defendant Casino, "[H]otel proprietors have a special relationship with  
3 their guests that gives rise to a duty similar to that owed by common carriers 'to  
4 protect them against unreasonable risk of physical harm.'" *Peterson v. Superior*  
5 *Court*, 10 Cal. 4th 1185, 1206 (1995).

6 119. All Defendants, and each of them, breached their duty of reasonable care, as  
7 complained of in this Complaint, by failing to act reasonably under the  
8 circumstances and exposing Plaintiff to reasonably foreseeable risks of harm or  
9 injury.

10 120. As a direct, legal and proximate result of the aforementioned conduct, Plaintiff  
11 suffered extreme physical, emotional and psychological pain and injury, as well  
12 continues to suffer extreme emotional and psychological pain and injury.

13 121. Entity and/or Corporate defendants are liable to Plaintiff for the acts of their  
14 employees, the individual Defendants herein, for conduct and/or omissions  
15 herein alleged, pursuant to the doctrine of Respondeat Superior, codified at  
16 California Government Code § 815.2, elsewhere and as set forth by precedent.

17 122. Plaintiff specifically alleges that Defendant's complained of acts and/or  
18 omissions, were within each of their control, and within the feasibility of each  
19 of them, to alter, adjust, and/or correct so as to prevent some or all of the  
20 unlawful acts and injury complained of herein by Plaintiff.

21 **FIFTEENTH CLAIM FOR RELIEF**

22 **CIVIL CONSPIRACY**

23 **By Plaintiff Against ALL Defendants**

24  
25 123. Plaintiff incorporates all paragraphs in this Complaint, as though fully set forth  
26 herein.

27 124. All defendants, by collaborating and agreeing to do and/or cause the acts  
28 complained of in this entire Complaint, and each of them, caused Plaintiff harm

1 and are liable to Plaintiff as co-conspirators under California law.

2 125. “As long as two or more persons agree to perform a wrongful act, the law places  
3 civil liability for the resulting damage on all of them, regardless of whether they  
4 actually commit the tort themselves.” *Wyatt v. Union Mortgage Co.*, 24 Cal.3d  
5 773, 784 (1979).

6 126. Plaintiff specifically alleges that Defendant’s complained of acts and/or  
7 omissions, were within each of their control, and within the feasibility of each  
8 of them, to alter, adjust, and/or correct so as to prevent some or all of the  
9 unlawful acts and injury complained of herein by Plaintiff.

10  
11 **DAMAGES**

12 127. Each of the aforementioned acts by each Defendant directly, legally and  
13 proximately caused Plaintiff the following, *inter alia*: violation of civil rights,  
14 violation of personal security, loss of enjoyment of personal security, violation  
15 of personal liberty and freedom to physically move about, loss of enjoyment of  
16 personal liberty and freedom to physically move about, humiliation, great and  
17 extreme emotional pain, anguish and suffering, and physical injury and pain and  
18 suffering.

19  
20  
21 **PRAYER FOR RELIEF**

22  
23 128. **WHEREFORE**, Plaintiff prays for the following relief from Defendants, and  
24 each of them, for each of the above causes of action:

25 (i) For compensatory damages, including general and special  
26 damages, according to proof;

27 (ii) For punitive damages pursuant to 42 U.S.C. §1983 and California  
28 Civil Code §§ 3294 and 52.1(b), and any other applicable laws or

1 statutes, in an amount sufficient to deter and make an example of each  
2 non-governmental entity Defendant;

3 (iii) For statutory damages, according to proof;

4 (iv) For prejudgment interest according to proof;

5 (v) For reasonable attorney fees pursuant to 42 U.S.C. §§ 1983, 1988;  
6 California Civil Code §§ 52.1, 52(b)(3); California Code of Civil  
7 Procedure § 1025.1; and any other applicable provisions;

8 (vi) For damages, costs and all other relief per Cal. Civ. Code  
9 §1708.5

10 (vii) For costs of suit; and

11 (viii) For such further relief which is just and proper.

12  
13 Dated: DECEMBER 19, 2022.

Respectfully submitted,  
ORANGE LAW OFFICES  
HADSELL STORMER & RENICK LLP

15  
16 /s/ - Olu K. Orange

17 By: \_\_\_\_\_  
18 Olu K. Orange, Esq.  
19 Attorneys for Plaintiff  
20  
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**JURY DEMAND**

Plaintiff hereby demands a trial by jury in this action.

Dated: DECEMBER 19, 2022.

Respectfully submitted,  
ORANGE LAW OFFICES  
HADSELL STORMER & RENICK LLP

*/s/ - Olu K. Orange*

By: \_\_\_\_\_  
Olu K. Orange, Esq.  
Attorneys for Plaintiff